

Senate Study Bill 1056

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON VEENSTRA)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the establishment of exclusive grounds for a
2 dissolution of marriage.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2017XC 80
5 pf/sh/8

PAG LIN

1 1 Section 1. NEW SECTION. 598.4A DISSOLUTION OF MARRIAGE
1 2 == EXCLUSIVE GROUNDS.
1 3 A party may petition for dissolution of marriage only upon
1 4 proof of any of the following:
1 5 a. The other party has committed adultery.
1 6 b. The other party has committed a felony and has been
1 7 sentenced to imprisonment.
1 8 c. The other party has abandoned the matrimonial domicile
1 9 for a period of one year and refuses to return.
1 10 d. The other party has physically or sexually abused the
1 11 party seeking the order or dissolution or a child of one of
1 12 the parties.
1 13 e. The parties have been living separate and apart
1 14 continuously without reconciliation for a period of two years.
1 15 Sec. 2. Section 598.5, subsection 7, Code 2003, is amended
1 16 to read as follows:
1 17 7. ~~Allege that there has been a breakdown of the marriage~~
~~1 18 relationship to the extent that the legitimate objects of~~
~~1 19 matrimony have been destroyed and there remains no reasonable~~
~~1 20 likelihood that the marriage can be preserved~~ the grounds for
~~1 21 the dissolution.~~
1 22 Sec. 3. Section 598.8, subsection 2, paragraph a,
1 23 subparagraph (1), Code 2003, is amended to read as follows:
1 24 (1) The parties have ~~certified in writing that there has~~
~~1 25 been a breakdown of the marriage relationship to the extent~~
~~1 26 that the legitimate objects of matrimony have been destroyed~~
~~1 27 and there remains no reasonable likelihood that the marriage~~
~~1 28 can be preserved~~ demonstrated proof of the grounds alleged in
~~1 29 the petition for the dissolution.~~
1 30 Sec. 4. Section 598.8, subsection 2, paragraph b,
1 31 subparagraph (1), Code 2003, is amended to read as follows:
1 32 (1) The petitioner has ~~certified in writing that there has~~
~~1 33 been a breakdown of the marriage relationship to the extent~~
~~1 34 that the legitimate objects of matrimony have been destroyed~~
~~1 35 and there remains no reasonable likelihood that the marriage~~
~~2 1 can be preserved~~ demonstrated proof of the grounds alleged in
~~2 2 the petition for the dissolution.~~
2 3 Sec. 5. Section 598.17, unnumbered paragraphs 1 and 2,
2 4 Code 2003, are amended to read as follows:
2 5 A decree dissolving the marriage may be entered when the
2 6 court is satisfied from the evidence presented ~~that there has~~
~~2 7 been a breakdown of the marriage relationship to the extent~~
~~2 8 that the legitimate objects of matrimony have been destroyed~~
~~2 9 and there remains no reasonable likelihood that the marriage~~
~~2 10 can be preserved~~ of the grounds alleged in the petition for
~~2 11 dissolution.~~ The decree shall state that the dissolution is
2 12 granted to the parties, and shall not state that it is granted
2 13 to only one party.
2 14 If at the time of trial petitioner fails to present
2 15 satisfactory evidence ~~that there has been a breakdown of the~~
~~2 16 marriage relationship to the extent that the legitimate~~
~~2 17 objects of matrimony have been destroyed and there remains no~~
~~2 18 reasonable likelihood that the marriage can be preserved~~ of
~~2 19 the grounds alleged in the petition for dissolution,~~ the
2 20 respondent may then proceed to present such evidence as though
2 21 the respondent had filed the original petition.
2 22

EXPLANATION

2 23 This bill establishes exclusive grounds upon which a
2 24 petition for dissolution of marriage may be filed and granted.
2 25 The grounds established are:
2 26 1. The other party has committed adultery.
2 27 2. The other party has committed a felony and has been
2 28 sentenced to imprisonment.
2 29 3. The other party has abandoned the matrimonial domicile
2 30 for a period of one year and refuses to return.
2 31 4. The other party has physically or sexually abused the
2 32 party seeking the order or dissolution or a child of one of
2 33 the parties.
2 34 5. The parties have been living separate and apart
2 35 continuously without reconciliation for a period of two years.
3 1 LSB 2017XC 80
3 2 pf/sh/8